

ARKANSAS COURT OF APPEALS

DIVISION II

No. CACR08-131

CHARLES OWENS,

APPELLANT

V.

STATE OF ARKANSAS,

APPELLEE

Opinion Delivered 10 SEPTEMBER 2008

APPEAL FROM THE SALINE
COUNTY CIRCUIT COURT,
[NO. CR-06-766-3]THE HONORABLE GRISHAM A.
PHILLIPS, JUDGE

AFFIRMED

D.P. MARSHALL JR., Judge

Charles “Red” Owens appeals his conviction for the second-degree sexual assault of his step-daughter. Challenging the sufficiency of the evidence, Owens contends that his step-daughter—the State’s primary witness—lacked credibility. She testified that, on many occasions starting when she was fourteen, Owens touched her “all over [her] body” and helped her masturbate. This testimony, if believed, satisfied the relevant statutes. Ark. Code Ann. § 5-14-125(a)(4)(A)(iii) (Repl. 2006) (defining second-degree sexual assault); Ark. Code Ann. § 5-14-101(9) (Repl. 2006) (defining sexual contact). Owens argues that his step-daughter’s testimony was full of discrepancies. He also emphasizes that she had a motive to lie because she wanted to live with her biological father, whose house rules were more lenient.

Owens's challenges fail because the teenager's credibility was for the jury to judge. *Barnes v. State*, 258 Ark. 565, 574, 528 S.W.2d 370, 376 (1975). With few exceptions, we must defer to the jury's judgment. *Ibid.* Here, the jury believed the step-daughter's uncorroborated testimony, which was sufficient to support Owens's conviction. *Cox v. State*, 93 Ark. App. 419, 421, 220 S.W.3d 231, 233 (2005). Because the substance of the step-daughter's testimony was not inherently improbable, physically impossible, or so clearly unbelievable that reasonable minds could not differ, this court will not disturb the jury's evaluation of the testimony. *Barnes*, 258 Ark. at 574, 528 S.W.2d at 376. Substantial evidence therefore supports Owens's conviction.

Affirmed.

BIRD and GLOVER, JJ., agree.